



The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in related co-pending applications are material to the present application and is not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions filed in co-pending applications on the attached form. As previously requested by the Examiner, Applicants have not included copies of the office actions from the co-pending applications issued by the Examiner. In addition, out of an abundance of caution, Applicants have listed on the attached form the request for reexamination of U.S. Patent No. 6,497,861 filed by Applicants' assignee (Reexam Control No. 90/010,002; Attorney Docket No. 05725.1657-00) and related papers and enclose copies herewith.

Applicants' representatives understand from the Examiner in other related co-pending applications that the Examiner considered references cited in the IDS Forms PTO/SB/08 filed but crossed through some of the citations and did not initial the entries to avoid the printing of the those documents on the face of any patent granted there from. In light of the Examiner's representations regarding the crossing-out of references in related co-pending applications, Applicants will consider any entries crossed through by the Examiner in this case as having been properly submitted and considered by the

Examiner unless the Examiner specifically states otherwise in the papers returning the form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **DE 197 26 184 A1** An English language Derwent abstract is submitted herewith.

2. **DE 197 50 246 A1** An English language Derwent abstract is submitted herewith. This document was identified on the International Search Report in PCT/FR01/01958 and French Search Report in FR 0008084, which were previously listed.

3. **DE 197 55 649 A1** An English language Derwent abstract is submitted herewith. The document is believed to be related to U.S. Patent No. 6,159,455, which is listed herewith.

4. **DE 198 55 649 A1** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 6,545,174, which is listed herewith.

5. **EP 0 507 692 A1** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 5,252,323, which is listed herewith.

6. **EP 0 518 772 A1** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 5,795,565, which is listed herewith.

7. **EP 0 518 773 A1** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 5,695,747, which is listed herewith.

8. **EP 0 669 323 A1** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 5,585,091, which is listed herewith.

9. **EP 0 775 698 A1** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 5,955,060, which is listed herewith.

10. **EP 0 790 243 A1** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 5,849,909, which is listed herewith.

11. **EP 0 863 145 A2** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 5,976,512, which is listed herewith.

12. **EP 0 878 469 A1** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 5,962,452, which is listed herewith.

13. **EP 0 967 200 A1** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 6,093,385, which is listed herewith.

14. **EP 1 068 855** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 6,402,408, listed herewith.

15. **EP 1 068 856** An English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 6,960,339, listed herewith.

16. **EP 1 114 636** An English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent Application Publication No. 2001/0031280, listed herewith.

17. **EP 1 343 459 B1** An English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 6,852,326, listed herewith.

18. **EP 1 382 322 A2** An English language esp@cenet abstract is submitted herewith. The document is believed to be related to U.S. Patent Application Publication No. 2005/0118122, which is listed herewith.

19. **EP 1 477 154 A1** An English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent Application Publication No. 2005/0008595, which is listed herewith.

20. **FR 2 315 991** An English language Derwent abstract is submitted herewith. This document is also believed to be related to British Patent No. 1,539,625, which is submitted herewith.

21. **FR 2 416 008** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 4,247,411, which is listed herewith.

22. **FR 2 528 699** An English language Derwent abstract is submitted herewith.

23. **FR 2 796 550** An English language Derwent abstract is submitted herewith.

24. **FR 2 804 014** An English language Derwent abstract is submitted herewith. This document is also believed to be related to Patent Application Publication No. US 2001/0028887 A1, which is listed herewith.

25. **FR 2 804 286** An English language Derwent abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 6,585,962 and U.S. Patent Application Publication No. 2001/0036914, which are listed herewith.

26. **FR 2 817 742** An English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 6,761,881 B2, which is listed herewith.

27. **FR 2 848 822 A1** An English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent Application Publication No. 2005/0019285, which is listed herewith.

28. **JP 02-207014** An English language esp@cenet abstract is submitted herewith.

29. **JP 09-20631** An English language abstract from Patent Abstracts of Japan is submitted herewith.

30. **JP 9-188830** An English language Derwent abstract is submitted herewith.

31. **JP 09-263516** An English language Derwent abstract is submitted herewith.

32. **JP 10-001444** An English language esp@cenet abstract is submitted herewith.

33. **JP 10-212213** An English language esp@cenet abstract is submitted herewith.

34. **JP 10-306012** An English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 5,908,631, listed herewith.

35. **JP 10-158450** An English language Derwent abstract is submitted herewith.

36. **JP 10-158451** An English language Derwent abstract is submitted herewith.

37. **JP 10 506643** An English language Derwent abstract is submitted herewith.

38. **JP 10 67618** An English language esp@cenet abstract is submitted herewith.

39. **JP 10-7527A** An English language esp@cenet abstract is submitted herewith.
40. **JP10-251118** An English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 5,871,758, listed herewith.
41. **JP 11-236314** An English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 6,682,748, listed herewith.
42. **JP 2000-0154112** An English language esp@cenet abstract is submitted herewith.
43. **JP 2000-503305** An English language esp@cenet abstract is submitted herewith. The document is also believed to be related to U.S. 6,007,796, which is listed herewith.
44. **JP 2001-011340** An English language Derwent abstract is submitted herewith.
45. **JP 2002/539220** An English language esp@cenet abstract is submitted herewith.
46. **JP 45-41318** An English language Derwent abstract is submitted herewith.
47. **JP 48-38861** An English language Derwent abstract is submitted herewith.
48. **JP 49-75740** An English language Derwent abstract is submitted herewith.



49. **JP 50-58242** An English language Derwent abstract is submitted herewith.
50. **JP 4 230312** An English language esp@cenet abstract is submitted herewith.
51. **JP 5-17710** An English language Derwent abstract is submitted herewith.
52. **JP 52-007067** An English language esp@cenet abstract is submitted herewith.
53. **JP 6-299075** An English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent Nos. 5,302,379 and 5,356,616, listed herewith.
54. **JP 64-90110** An English language Derwent abstract is submitted herewith.
55. **JP 7-258460** An English language Derwent abstract is submitted herewith.
56. **JP 7-89826** An English language esp@cenet abstract is submitted herewith.
57. **WO 02/47606 A2** An English language esp@cenet abstract is submitted herewith.
58. **WO 93/04665** An English language Derwent abstract is submitted herewith.
59. **WO 96/38126** An English language Derwent abstract is submitted herewith.

60. WO 98/25922 An English language Abstract of this document can be found on the front of this document, as well as the English language esp@cenet abstract is submitted herewith. This document is also believed to be related to U.S. Patent No. 6,361,764 and U.S. Patent Application Publication No. US 2002/0010179 A1, which are listed herewith.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the U.S. Patent and Trademark Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: April 21, 2008

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